

10 September 1974

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. William Harris - Murphy Commission

1. On 5 September 1974 I met with William Harris of the Murphy Commission Staff for approximately one hour. One particular topic he pursued rather fully was the possibility of enacting in law a requirement of the Director to submit his budgetary recommendations for the intelligence community to the appropriate committees of Congress. I indicated that to me such a requirement really does not accomplish very much. In effect he does this now; further, his overview of the community budget was only started in November of 1971 by presidential direction and I am not sure that we have given this enough time to work. Further, OMB obviously could take a much stronger role relying on the Director's recommendations.

2. Harris also raised the question of the desirability of no warrantless electronic surveillance, i.e., the legal requirement that the Agency secure a court order before it may engage in any electronic surveillance in the United States. I told Harris that I disagreed with this both in principle and as a practical matter. I pointed out that the President has the inherent constitutional power to collect foreign intelligence and this is a responsibility that should not be shared with the courts. Further, on the practical point, I indicated that my experience with the courts is that they are simply not attuned to sensitivity of security matters; consequently, applying to the courts for a warrant is a serious degradation of security involving very sensitive operations.

3. Mr. Harris also pursued a line of questions dealing with detaching the entire DDO from CIA and establishing it as a separate body reporting to the DCI in his community role. Harris indicated that this suggestion has been raised in a number of different ways and he wanted to know whether this would require changes in the statute. I responded that depending on how this idea was developed, there might well be legal consequences and possibly legislation would be required. Gratuitously, I offered the suggestion that such a concept at worst would not work, and at best, would be extremely inefficient.

4. Harris requested access to appropriate NSCID's and I indicated that of course he or members of the Commission could see them but that we could not furnish him these documents since they were not ours to release. I asked that he make arrangements through the IC Staff for access. [redacted] was present through the entire interview.

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[redacted]
JOHN S. WARNER
General Counsel

cc: OLC

STATINTL

[redacted] IC Staff

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September 5th, 1974

STATINTL

Dear [redacted]

Thank you for arranging, then rescheduling my first two interviews in connection with the work of the Murphy Commission. I enjoyed my discussions with Messrs. [redacted] and Warner, and look forward to a more extensive discussion with [redacted] hopefully upon my next trip to Washington.

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You sat in on the interview which raised issues respecting which Mr. Warner and I were not always in agreement; you missed the interview with [redacted] in large measure devoted to the sources and methods legislation, on which our views are not dissimilar. In any event, my task is to identify issues not to reach definitive judgments respecting them.

STATINTL

I appreciate [redacted] offering to arrange a meeting at which time I might discuss relevant issues with the Director, Mr. Colby. I am cognizant of the demands upon his time, and do not believe that at this stage of my work there is good cause to transgress upon his schedule, at least not for my own research.

As the coordinator/supervisor of the eight research papers which are being undertaken, I am, however, interested in assuring Bob Macy's access to the DCI, and if possible Bill Barnds' as well. At such time as the research papers are completed, and integrated with the results of Messrs. Hitchcock's and Crane's efforts, I would like to reconsider whether there would be mutual benefit in raising appropriate issues with Mr. Colby, or whether these matters are best left to others of the Commission staff.

In discussions with the Commission staff and in our meetings today I was struck by the cooperative efforts on the part of the IC staff, and yourself in particular to assist the Commission in its work. This should make our task easier, and hopefully the results more useful.

STATINTL

Ms. [redacted]
IC Staff

Sincerely,

Bill Harris
William R. Harris

P.S. Feel free to telephone in connection with any problem associated with the Commission's work. My California office is: [redacted]
Washington office: [redacted] or at the Commission offices [redacted]

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September 5, 1974

Dear Mr. Carey:

I wish to thank you for reviewing with me legislative alternatives pertaining to the protection of intelligence sources and methods from unauthorized disclosure, and other issues of a legislative nature respecting intelligence activities.

In connection with the work of the Murphy Commission I shall be writing a paper on issues of legal authority respecting the conduct and control of intelligence activities. I have invited Mr. Warner, the General Counsel, to comment upon this paper in his personal capacity (as appropriate in his official capacity). I would also extend to you an invitation to submit any comments, to be submitted along with the revised draft of the paper to the Murphy Commission and its staff.

Thank you again for your cooperation.

Very truly yours,

William R. Harris

George Carey, Esquire
Legislative Counsel
Central Intelligence Agency
HQ Building
Langley, Virginia

cc: Ms.

STATINTL

September 5, 1974

Dear Mr. Warner,

Your cooperation in reviewing with me legal issues with respect to the conduct and control of intelligence activities is indeed appreciated.

I look forward to receiving the two sets of materials you mentioned:

- (1) A copy of the President's four page statement of August 20, 1974 respecting proposed amendment of the Freedom of Information Act;
- (2) Citations to recent caselaw pertaining to national security information;

In the event that the DCI, Mr. Colby, decides to transmit to the Department of Justice a statement explaining the Agency's January 14, 1974 sources & methods proposal and its consistency with the President's statement of August 20th, I would appreciate receiving a copy of that statement.

Lastly, I would like to extend to you an invitation to comment upon my forthcoming paper on legal authority for the conduct and control of intelligence activities. I would expect that, at least in your personal capacity and if so desired on behalf of the Agency, you would delineate your views on the issues which are raised. Should Mr. Carey wish to comment upon this paper, his comments would also be welcome.

The above-mentioned materials could most conveniently be transmitted to my California residence:

William R. Harris

[Redacted Address]

Very truly yours,

William R. Harris

John S. Warner, Esquire
General Counsel
Central Intelligence Agency

7-D-01 HQ Langley, Va.

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